

1999
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Health)

Supervised Injecting Place Trial Bill 1999

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Job No: 1998/233

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(As presented)

(Minister for Health)

Supervised Injecting Place Trial Bill 1999

A BILL

FOR

An Act to allow for a trial of a supervised injecting place for drug dependent persons

The Legislative Assembly for the Australian Capital Territory enacts
as follows:

PART 1—INTRODUCTORY

1 Name of Act

5 This Act is the *Supervised Injecting Place Trial Act 1999*.

2 Commencement

This Act commences on the day it is notified in the Gazette.

3 Definitions

10 In this Act, the following definitions apply unless the contrary
intention appears:

drug dependent person—see the Drugs of Dependence Act, subsection 3 (1).

drug of dependence—see the Drugs of Dependence Act, subsection 3 (1).

5 **Drugs of Dependence Act** means the *Drugs of Dependence Act 1989*.

facility means the place that is declared under section 5 to be the facility.

operator, of the facility, means a person who is declared under section 5 to be the operator of the facility.

10 **prohibited substance**—see the Drugs of Dependence Act, subsection 3 (1).

staff, of the facility, includes the following persons:

- (a) the operator of the facility;
- (b) a manager of the facility;
- 15 (c) a person engaged by the operator or manager of the facility to provide services at the facility, whether under a contract of employment or otherwise;
- (d) a person engaged by the operator or manager of the facility to provide voluntary assistance at the facility.

20 **substance** means a drug of dependence or a prohibited substance.

supervised injecting place means a place that provides—

- (a) a supervised and hygienic environment for the self-administration of drugs of dependence by drug dependent persons; and
- 25 (b) access to clean equipment for such self-administration, and safe facilities for disposing of the equipment; and
- (c) an opportunity for users of the facility to be referred to counselling, medical treatment, detoxification and similar services.

30 **4 Object**

The object of this Act is to allow the temporary operation of a supervised injecting place, for the purpose of an independently evaluated scientific trial of—

- (a) the public health benefits and risks of such places; and
- 35 (b) other matters relating to the operation of a supervised injecting place.

PART 2—OPERATION OF THE FACILITY

5 Declaration of facility and operators

(1) The Minister may, by notice in the Gazette, declare—

- (a) a place to be the facility for this Act; and
- 5 (b) a person to be the operator of the facility.

(2) The Minister may declare a place to be the facility only if satisfied that—

- (a) it is suitable for use as a supervised injecting place; and
- 10 (b) appropriate directions have been made by the Attorney-General under section 8.

6 Exemption of staff and other persons from certain criminal proceedings

(1) This section applies to a person who is or has been—

- (a) a Minister or public employee; or
- 15 (b) a member of the staff of the facility; or
- (c) the owner or occupier of the premises where the facility is situated.

(2) A proceeding for a criminal offence (including an offence against Part 8 of the *Crimes Act 1900*) does not lie against a person to whom this section applies in relation to an act—

- (a) done in good faith by the person in the person's capacity as a person to whom this section applies; and
- (b) that consists of participating, or being in any other way concerned, in the establishment of the facility or in its operation as a supervised injecting place; and
- 25 (c) done in accordance with the requirements (if any) prescribed under the regulations.

7 Exemption of persons from certain civil proceedings

A civil proceeding does not lie against the Territory or anyone else in relation to the death of, or any loss or injury sustained by, someone (the *affected person*) caused by, or arising out of—

- (a) the self-administration by the affected person of a substance at the facility; or
- 30

- (b) anything else done by the affected person, whether or not at the facility, in relation to the self-administration.

8 · Directions to the DPP

5 (1) The Attorney-General must give such directions to the DPP under subsection 20 (1) of the *Director of Public Prosecutions Act 1990* as are necessary to ensure that drug dependent persons are not deterred by fear of prosecution for an offence from making use of the facility in accordance with the object of this Act.

10 (2) The directions for subsection (1) must include, but are not limited to, a direction specifying circumstances in which the DPP is restrained from prosecuting a person who administers a substance to himself or herself at the facility for an offence against section 169 or 171 of the Drugs of Dependence Act.

9 Excluding persons from the facility

15 (1) The operator or the person for the time being in charge of the facility may exclude a person from the facility by telling the person orally that he or she is excluded under this Act for a stated period that is not longer than 3 days.

20 (2) The operator or the person for the time being in charge of the facility may exclude a person from the facility by telling the person in writing that he or she is excluded under this Act for a stated period, giving brief reasons for the exclusion.

(3) A person who has been told under subsection (1) or (2) that he or she is excluded—

- 25 (a) must leave the facility immediately; and
(b) must not enter the facility during the stated period.

Maximum penalty (subsection (3)): 10 penalty units.

PART 3—MISCELLANEOUS

10 Regulation-making power

The Executive may make regulations for this Act.

11 Expiry

5 This Act expires 2 years after the day when the first declaration is made under section 5.

Endnote

Penalty units

1 Section 33AA of the *Interpretation Act 1967* deals with the meaning of offence penalties that are expressed in penalty units.